

MEMO ENDORSED

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VIA ECF

January 14, 2022

Hon. Nelson S. Roman
United States District Court Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Mr. Salt's request for an extension to the stay is granted.
The arrest warrant will be stayed until March 16, 2022
to allow Mr. Salt time to comply with the Court's
Orders.

The Clerk of Court is directed to terminate the motion at
ECF No. 252.

Dated: January 14, 2022
White Plains, NY

SO ORDERED:


NELSON S. ROMÁN
United States District Judge

Re: Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, Inc., 10 CV 1136 (NSR-LMS)

Dear Judge Roman:

I am writing as counsel for Jeffrey Salt with respect to the Court's order dated 11/16/21. In this order the Court noted that Mr. Salt provided information that he was unable to pay the financial penalties imposed. However, the Court issued a warrant for the arrest of Jeffrey Salt based upon a finding that Mr. Salt failed to provide a good faith basis to comply with the Court's previous orders with respect to document production and interrogatory responses. The Court stayed execution of the arrest warrant until January 17, 2022 at 2:00PM to allow Mr. Salt to produce the outstanding documents.

I am requesting that the Court either cancel the arrest warrant or further stay execution for an additional 60 days, as Mr. Salt's chronic medical problems have made it impossible for him to timely comply with all of the order requirements regarding document production.

At the time I responded to the previous order to show cause I filed on Mr. Salt's behalf:

1. The affidavit of Jeffrey Salt containing a detailed statement in all respects of his personal finances.
2. Exhibits verifying his financial circumstances including all available tax returns, and bank accounts.
3. Medical reports prepared by Mr. Salt's treating medical providers.

He did not at the time submit the information, list, or materials regarding Mr. Salt's use of the Waterkeeper Marks after May 8, 2015. He also did not file answers to written interrogatories or responding directly to the document request. As represented to me by Mr. Salt, at that time there are massive numbers of documents to be produced regarding the past use of the

Marks, from 20,000 to 30,000 documents, and due to his health issues, as well as the sheer volume of the materials, he is unable to produce these materials in a timely manner.

In an e-mail I received from Mr. Salt today he indicated “I’m resigned to the fact that I will have to supply the information and documents ordered by the Court, but I have not been physically able to do so at this time.”

In this email he describes in detail the medical ailments he was been dealing with in the past year which have impacted his ability to timely comply with the Court’s orders.

“I’ve been chronically and seriously ill for over 8 months. Since early May 2021, I’ve had 69 medical appointments for exams, consultations, tests and procedures. Throughout my adult life, I’ve rarely had to see doctors except for emergency and urgent care conditions. Since early May, I’ve had 66 medical tests and procedures. I’ve been admitted to the University of Utah Health Long COVID Clinic as a long-hauler COVID patient. During this same period, I’ve been admitted and treated three times at the University Hospital Emergency Department. I’ve been referred to two other highly specialty medical clinics to further assist in diagnosis and treatment of my chronic illnesses. I have just recently been admitted to the University of Utah Autonomic Physiology Lab (1 of only 3 such clinics in the entire country -- Salt Lake City, Rochester, Phoenix, and extremely difficult to be accepted and scheduled for testing and treatment). I’ve also been referred to and awaiting acceptance to the Bateman Horne Clinic for chronic fatigue and post viral syndrome illnesses -- considered the premiere clinic of its kind in Utah. I have chronic symptoms that my medical team providers are having a difficult time diagnosing and treating because of the unusual and complex nature of these COVID-related issues. These symptoms have greatly affected and diminished my routine life activities and ability to conduct the necessary research to comply with the Court’s order. I’ve had two of my providers submit letters to substantiate my chronic and debilitating health problems. The most significant of these health issues that relate to the Court’s order are chronic fatigue, brain fog, confusion, inability to concentrate and focus, dizziness, nausea, fainting, blood pressure variations, headaches, and respiratory problems.”

He also expressed in the email concerns about the impact of COVID which is presently causing a renewed crises not only in the general population, but also within the prison community:

“ In addition to my chronic and debilitating illnesses, the omicron variant of the COVID virus is spreading like wildfire in Utah and across the country. In Utah, the number of new positive COVID test results has exploded with new records being set just about every day. I am at very high risk for the omicron variant, not only because of its infectiousness, but also due to my compromised immune system and the fact that I have not taken the recent booster vaccination. The reason I’ve not taken the booster is because I had such a rare and severe adverse reaction to the initial vaccinations back in May and June 2021. My current illnesses are largely correlated to the vaccine. The concern is that taking the booster will worsen my already chronic and debilitating condition. As a result of my chronic illnesses, I have not been able to carry out

many routine daily activities. I spend roughly 95% of my time at home in bed on a daily basis. Most of my weekly schedule consists of going to doctor appointments. I've not been able to work fully since May 2021, and must rely on family support and public subsidized programs to pay my monthly bills. I still have not been about to compile records and prepare my 2020 tax returns. I've never not filed my tax returns on time. Simple tasks like doing laundry and dishes and feeding my pet cats are challenging and difficult for me to do. I also have a hernia that flared up recently, I'm meeting with my surgical team this afternoon to schedule the necessary surgery. I've had to postpone this surgery for nearly 2 years due to the COVID epidemic and my underlying health issues."

"I am also ordered to adopt and follow a highly restrictive diet for the next 30 days and onwards for several months as the diet is adjusted to deal with some of my unusual GI symptoms. I'm also seeing mental health therapists due to my depression that has resulted from my prolonged chronic health problems."

Mr. Salt also had a family issue involving a close relative who recently passed away which impacted his ability to comply with the Court's order. "In addition, despite my health conditions and limitations, I've been providing limited support and assistance for a family member who recently passed away. My last aunt died yesterday morning, January 13th. She was 94. After spending 8 weeks in a care facility recovering from a fall, she required additional assistance and support when she returned home. She digressed rather quickly after returning home in early December, and was eventually cared for by a hospice provider, and then moved to an assisted living facility on December 23rd, 2021. I was the only other family member in Utah besides her only daughter who could assist her during this time. The services for my aunt are scheduled for Thursday January 20, 2022."

Mr. Salt provided a list of his past and upcoming medical appointments to substantiate his medical situation. (list attached)

I note that Mr. Salt has complied with the primary requirements of the judgment (ECF 100, 160) insofar as he submitted proof through counsel that he ceased infringing on Plaintiff's trademarks (ECF 195) and publicly posted the Statement required by the 2d contempt order (ECF 160, 225).

Arresting Mr. Salt and confining him to a federal detention facility will in no way facilitate his ability to comply with any requirement of producing documents; it would have just the opposite effect. Given that he has ceased using Waterkeeper Marks and provided a detailed financial affidavit and supporting documentation, and in light of his documented medical ailments I urge the Court to exercise its discretion to either vacate the arrest warrant or further stay execution.

In summary, I am requesting that the Court grant the applications contained in this letter together with such other and further relief as the Court deems appropriate in the interest of justice.

Thank you for considering this request.

Respectfully submitted,

/S/ Joseph A. Vita

Joseph A. Vita

Cc: Jeffrey Salt via EMAIL